REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated February 1, 2006.

The Final Office Action has been carefully considered. Claims 10-19 are pending in the present application with Claims 10, 16, 18 and 19 in independent form. Claim 16 has been amended to further clarify the features of the present application and claim 19 has been amended to correct a minor typographical error.

Claims 10, 12-14, 16, 18 and 19 have been rejected under 35 U.S.C. §102(b) as allegedly anticipated by Avitall (5,555,883). Reconsideration of this rejection is respectfully requested.

In the present application, the loop is formed when the treatment section is extended, that is, when it is pulled out from the opening of the sheath. When the loop is pulled from the sheath, its central axis becomes tilted relative to the central axis of the elongated actuator naturally (that is, without external force being applied). Claims 10, 19 and amended claim 16 highlight this feature by specifying that the elastic deformation is due to a "returning force". Claim 18 similarly specifies that the loop central axis of the loop is "naturally tilted."

The Examiner contends that Avitall discloses a sheath 52, an actuating member 18, a through-hole 76 and a naturally tilted wire deployable loop. In particular, the Examiner indicates that elements 120 and 162 of Avitall are naturally tilted wire deployable loops. Applicant respectfully disagrees.

Avitall, as understood by Applicant, relates to a cardiac arrhythmia mapping and ablation catheter that is provided with a loop-shaped mapping and ablation system attached to its distal end which loop is optionally adjustable or of relatively fixed shape which can be resumed upon deployment.

In particular, Fig. 6b of Avitall discloses an embodiment of the catheter in which control wires 124 and 126 are offset 90 degrees from the conductor bundles 138 and 140. The control wires 124 and 126 are used for side to side deflection of the loop 120 as is illustrated in Figs. 6b and 6c of Avitall. Thus, the loop 120 of Avitall is not tilted naturally, rather, the tilting

of the loop 120 is the result of tension provided by pulling on control wires 124 and 126. See Avitall, column 6, lines 39-51.

Further, Fig. 7a of Avitall illustrates additional configurations of the catheter. In particular, Figs. 7a and 7b are intended to illustrate a fixed shape concept. Fig. 7A illustrates an embodiment of a catheter in which the short distal working catheter sections 158, 160 may be preformed as straight sections, as illustrated by section 160, or may be preformed as curves, as illustrated in section 158. See Avitall, Column 8, lines 10-30. However, in Fig. 7A, the central axis of the loop 162 is not tilted "against the central axis of the actuating member." In contrast the central axis of loop 162 in Avitall is parallel to the central axis of the catheter.

Further, in response to Applicant's arguments and previous response, the Examiner contends that Avitall discloses nitinol/shape memory loops amongst other elastic materials in columns 10, lines 1-7 which anticipate the Applicant's claim language regarding a loop susceptible to a returning force or a loop with an elastic deformable portion. Applicant respectfully disagrees.

As noted above, in the present application, the loop is tilted naturally relative to the central axis of the actuating member when it is extended from the opening. While Avitall may disclose shape memory loops, as is noted above, Avitall fails to disclose a loop which is tilted relative to the central axis of the actuating member due to a returning force and/or a loop that is naturally tilted relative to the central axis of the actuating member. Instead, as is noted above, Avitall requires control wires to provide an outside force to tilt the loop relative to the central axis of the catheter. Further, while sections of the catheter in Avitall may be provided with a preformed curve, the loop in such an embodiments is not tilted with respect to the central axis of the catheter.

Accordingly, it is respectfully submitted that the independent claims 10, 16, 18 and 19, and any claims depending therefrom, are patentable over the cited art for at least the reasons noted above.

Claims 11, 15 and 17 haven been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Avitall in view of Ellis, et. al. (6,093,185), or Laufer, et. al. (6,283,988) or Chia, et. al. (5,897,554). Reconsideration of this rejection is respectfully requested,

Claims 11 and 15 depend from independent claim 10 and claim 17 depends from independent claim 16. As noted above, it is respectfully submitted that claims 10 and 16 are patentable over Avitall for at least the reasons described above. Further, it is respectfully submitted that claims 10 and 16 are patentable over Avitall in view of any of Ellis, Laufer and/or Chia, because these references, either alone or in combination, fail to show or suggest the patentable features of claim 1 as described above.

Accordingly, it is respectfully submitted that claim 10, and the claims depending therefrom, including claims 11 and 15, are patentable over the cited art for at least the reasons described above. Similarly, it is respectfully submitted that claim 16, and the claims depending therefrom, including claim 17, are patentable over the cited art for at least the reasons mentioned above.

In light of the remarks and amendments made herein, it is respectfully submitted that claims 10-19 of the present application are patentable over the cited art and are in condition for allowance. Favorable reconsideration of the present application is respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 29, 2006:

Max Moskowitz

Name of applicant, assignee or Registered Representative

Signature

March 29, 2006

Date of Signature

Respectfully submitted,

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